

REMARKS

Claims 1-8 are pending. By this amendment, claims 1, 5, 7, and 8 are amended. No new matter is introduced. Support for the amendments and new claims may be found at least at page 5, lines 1-2, page 7, lines 16-17, and page 7, lines 25-27 of the specification. Reconsideration and allowance of the claims in view of the above amendments and the remarks that follow are respectfully requested.

Specification Objections

The disclosure is objected to because of an informality. The specification has been amended to correct the informality. Withdrawal of the objection is respectfully requested.

Claim Objections

Claim 8 is objected to because of an informality. Claim 8 has been amended to correct the informality. Withdrawal of the claim objection is respectfully requested.

Claim Rejections Under 35 U.S.C. §102

On page 2 the Office Action rejects claims 1-3 under 35 U.S.C. §102 (e) over U.S. Patent 6,625,773 to Boivie et al. (hereafter Boivie). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic Research & Foundation v. Genentech Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

Boivie is directed to a method for reliable multicast communications in a packet-switched network system for small groups. The method determines a next hop for each of the destination nodes listed in the packet received, and partitions the destination nodes into groups according to the next hop determined for each destination node in the preceding step. Boivie's method then replicates the packet such that there is at least one copy of the packet for each of the next hops, and modifies the list of addresses for the destination nodes such that the list of addresses for each of the next hops includes only the addresses for the destination nodes to be routed in that next hop. However, Boivie's method does not teach or suggest instructing network switches or routers receiving a data packet to copy the data packet into one or more second data packets including zeroing out each address in a list of selective multiple remote destinations that is not directly accessible beyond the network

switcher or router receiving the data packet. As a result, “a network of switches and routers will continue to resend the data packets over only those network segments that contain a route to at least one of the specified remote destination addresses. This method thus does not generate unnecessary traffic on any network segment.” See page 2, lines 36-38 of the present application. Boivie’s method partitions the set of destinations based on their next hops, which is very different from the zeroing out feature for copying the first data packet into one or more second data packets. See column 2, lines 44-46 of Boivie.

Contrary to Boivie, amended claim 1 recites: “the switches and routers receive a first data packet and copy the first data packet into one or more second data packets, wherein the copying the first data packet includes zeroing out each address in the list of network address for the selected multiple remote destinations that is not directly accessible beyond the network switch or router receiving a data packet.” As noted above, Boivie does not disclose or suggest the zeroing out feature. Therefore, amended claim 1 is allowable.

Claims 2-3 are allowable at least because they depend from allowable claim 1 and for the additional features they recite. Withdrawal of the rejection of claims 1-3 under 35 U.S.C. §102 (e) is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

On page 3 the Office Action rejects claim 4 under 35 U.S.C. § 103 (a) over Boivie. This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and MPEP § 2142. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and MPEP § 2143.03.

Claim 4 is allowable at least because it depends from allowable claim 1 and for the additional features it recites. Withdrawal of the rejection of claim 4 under 35 U.S.C. §103 (a) is respectfully requested.

On page 4 the Office Action rejects claims 5-8 under 35 U.S.C. § 103 (a) over Boivie in view of U.S. Patent 6,757,294 to Maruyama (hereafter Maruyama). This rejection is respectfully traversed.

Regarding claim 5, for the same reason as noted above with respect to claim 1, Boivie does not disclose or suggest “instructing the switches or routers receiving the data packets to copy the data packets into second data packets, wherein the copying the data packets includes zeroing out each address in a list of selected multiple remote destinations that is not directly

accessible beyond the network switch or router receiving a data packet,” as recited in amended claim 5. Maruyama is directed to a method of creating a multicast packet by a source node in a world-wide network. However, Maruyama does not cure Boivie’s defect and does not disclose or suggest the zeroing out feature as recited in amended claim 5. Therefore, amended claim 5 is allowable over Boivie and Maruyama.

Claim 6 is allowable at least because it depends from allowable claim 5 and for the additional features it recites.

Regarding claim 7, for the same reason as noted above with respect to claims 1 and 5, Boivie and Maruyama, individually and in combination, do not disclose or suggest “instructing the switches or routers receiving the data packets to copy the data packets into second data packets, wherein the copying the data packets includes zeroing out each address in a list of selected multiple remote destinations that is not directly accessible beyond the network switch or router receiving a data packet,” as recited in amended claim 7. Therefore, amended claim 7 is allowable.

Claim 8 is allowable at least because it depends from allowable claim 7 and for the additional features it recites. Withdrawal of the rejection of claims 5-8 under 35 U.S.C. §103 (a) is respectfully requested.

In view of the above remarks, Applicants’ respectfully submit that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants’ undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: **June 17, 2005**



Kelly T. Lee
Registration No. 47,743
Andrews Kurth LLP
1701 Pennsylvania Ave, N.W.
Suite 300
Washington, DC 20006
Tel. (202) 662-2736
Fax (202) 662-2739